

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CINDY BALMORES,
JUSTIN BRASWELL,
DEBORAH GARVIN, and
THEA ANDERSON,
for themselves,
as private attorneys general, and
on behalf of all others similarly situated,

Plaintiffs,

v.

SIRIUS XM RADIO INC.,

Defendant.

Case No. 2:24-cv-886-KKE

**STIPULATION AND ORDER
RE: PROPOSED LITIGATION
SCHEDULE**

STIPULATION

WHEREAS, on June 21, 2024, Plaintiffs Cindy Balmores, Justin Braswell, Deborah Garvin and Thea Anderson, on behalf of themselves and all other similarly situated (collectively, “Plaintiffs”), filed their Complaint against Defendant Sirius XM Radio Inc. (“Sirius XM”) in this civil action captioned *Balmores v. Sirius XM Radio Inc.* (Dkt. 1);

WHEREAS, on July 18, 2024, this Court entered a Stipulation And Order To Stay Cases Pending Mediation (Dkt. 6) that stayed these proceedings in their entirety for sixty (60) days so that the parties could pursue mediation;

WHEREAS, on September 6, 2024, the parties filed a Joint Status Report (Dkt. 7) that advised the Court that the mediation had occurred but that the parties had not been successful in coming to a settlement;

WHEREAS, on October 29, 2024, the parties filed their Joint Rule 26(f) Report And Discovery Plan (Dkt. 9), which proposed multiple deadlines, including a deadline for the filing of Plaintiffs’ motion for class certification (Dkt. 9, § 4), a deadline for the close of fact discovery (Dkt. 9, § 5(B)(ii)) and deadlines governing expert discovery (*Ibid.*);

WHEREAS, on November 4, 2024, this Court entered a Stipulation And Order (Dkt. 11) that once again stayed these proceedings in their entirety until January 3, 2025, so that the parties could continue pursuing mediation;

WHEREAS, on December 27, 2024, the parties filed a Joint Status Report (Dkt. 17) that advised the Court that the parties had still not reached a resolution;

WHEREAS, on January 23, 2025, the Court held a Scheduling Conference in which the Court directed the parties to file an updated Joint Status Report with a proposed schedule for litigation;

NOW, THEREFORE, PLAINTIFFS AND SIRIUS XM STIPULATE, AGREE AND RESPECTFULLY REQUEST THAT THIS COURT ORDER THAT:

1. Plaintiffs shall file their First Amended Complaint within thirty (30) days after the date of entry of this Order;

2. Defendant shall file its Answer or responsive motion within thirty (30) days

after Plaintiffs' filing of the First Amended Complaint;

3. Plaintiffs shall file an Opposition or Response to Defendant's responsive motion within thirty (30) days after Defendant's filing of a responsive motion;

4. Defendant may file a Reply in support of its responsive motion within fourteen (14) days after Plaintiffs' filing of an Opposition or Response to the responsive motion; and

5. The parties shall file an amended Joint Rule 26(f) Report And Discovery Plan, if any, within fourteen (14) days of a decision on Defendant's responsive motion.

DATED: January 28, 2025

JONES DAY

/s/ Eric P. Stephens
Eric P. Stephens, admitted *pro hac vice*
Lee A. Armstrong*

JONES DAY
250 Vesey Street, 34th Floor
New York, NY 10281
Telephone: 212.326.3939
Facsimile: 212.755.7306
epstephens@jonesday.com
laarmstrong@jonesday.com

**Pro hac vice* application to be submitted

and

Tim D. Wackerbarth
BALLARD SPAHR LLP
P.O. Box 91302
Seattle, WA 98111-9402
Telephone: 206.223.7000
wackerbartht@ballardspahr.com

Attorneys for Defendant
Sirius XM Radio LLC

HATTIS & LUKACS

/s/ Daniel M. Hattis
Daniel M. Hattis (WSBA 50428)
Paul Karl Lukacs (WSBA 56093)
Che Corrington (WSBA No. 54241)
HATTIS & LUKACS
11711 SE 8th Street, Suite 120
Bellevue, WA 98005
Telephone: (425) 233-8650
dan@hattislaw.com
pkl@hattislaw.com
che@hattislaw.com

and

Stephen P. DeNittis*
DENITTIS OSEFCHEN PRINCE, P.C.
5 Greentree Centre, Suite 410
523 Route 73 N.
Marlton, New Jersey 08057
Telephone: (856) 797-9951
sdenittis@denittislaw.com

**Pro hac vice* application to be submitted

Attorneys for Plaintiffs
and the Proposed Class

ORDER

IT IS SO ORDERED:

January 28, 2025

A handwritten signature in black ink, reading "Kymberly K. Evanson". The signature is written in a cursive style with a horizontal line underneath it.

Kymberly K. Evanson
United States District Judge